

PROBATION

MARAC AIDE MEMOIRE

Community Orders

Sentences served in the community, which may be a Community Order (CO) or a Suspended Sentence Order (SSO), can be tailored to address individual needs and problems that may contribute to reoffending, as well as to punish offenders and provide reparation to the community.

Probation plays a key part in the sentencing process by, undertaking an assessment of the offender and providing information and a suggestion to Court on what sentence would be most appropriate to meet their criminogenic needs.

Community Orders

A **CO** can last up to three years and consists of one or more of the 14 requirements that can be selected and imposed by the Court. Some requirements can only be imposed by the court following a recommendation from a probation practitioner. In the event of a breach, the court may make the CO more onerous, impose a fine, or sentence to custody.

An **SSO** is a custodial sentence of between 14 days to 2 years that has been suspended for up to 2 years and is served in the community. The Court may add one or more of the requirements available for COs to the SSO. In the event of breach, the presumption is that the court will activate the custodial term unless it would be unjust to do so in the circumstances. Probation will need to provide any mitigating factors in breach reports where appropriate, such as compliance with particular requirements, to justify a less onerous recommendation (for example, changing requirements or making the order more onerous) rather than proposing that the custodial element is activated. An SSO should not be imposed as a more severe form of a community order.

Rehabilitation Activity Requirement

A rehabilitation activity requirement (RAR) requires the offender to complete specific rehabilitative activities designed to address their behaviour and rehabilitative needs that contributed to their offending, whilst being supervised in the community throughout their sentence. A RAR comprises of a blend of rehabilitative activities to be completed (**RAR activity**) and appointments (**RAR appointment**).

Programme Requirement

A programme requirement requires an offender to complete an accredited programme. Accredited programmes are intensive cognitive behavioural courses designed to address the attitudes, thinking and behaviours of certain criminogenic needs through intensive evidence-based work that supports the offender to understand and address the causes of offending behaviour. These programmes are accredited by the Correctional Services Advice & Accreditation Panel, and are formal, structured behaviour change programmes usually delivered to groups by trained facilitators.

Community Order Requirements:

- Unpaid Work
- RAR days/Requirements
- Programme Requirement
- Electronic Monitoring, DAPOL (Domestic Abuse Perpetrators on Licence)
- Curfew, Alcohol Monitoring Requirement (AMR),
- Exclusion Zone
- Treatment Requirement (drugs/alcohol)
- Residence Requirement

Community Breach

- When an offender does not comply with the requirements of their CO or SSO, the probation practitioner will determine if the non-compliance constitutes a breach and enforcement action is required. This will be letters of warning in the first instance before Breach is actioned and a Court date is booked.
- Reasons for Breach can be failure to attend appointments or provide an acceptable reason for absence, poor behaviour.
- Committing a further offence constitutes a breach of an SSO but does not constitute a breach of a CO.
- A Breach of a RO/Non-Molestation should be reported to the Police and does not necessary mean a Breach of a Community Penalty.

Custody & Licence

A person can be released early on Home Detention Curfew (HDC) if they meet the current criteria.

A person can be released after serving 40% of their Sentence on Licence if they meet the right criteria. This Licence can be revoked if they Breach/Commit a further offence & they will be returned to custody for 28 days or until the end of their Sentence.

A person may have to sit before a Parole Board if they have an indeterminate Sentence or are a “lifer”. The Parole Board will decide if that person can be managed safely on Licence in the community.

Licence

- ❑ A person will be released on Licence with “Standard” Licence Conditions.
- ❑ A person can be subject to “Additional” Licence Conditions to manage specific risk factors and to protect a victim/victim's family.
- ❑ These “Conditions” will cease when they move onto a period of PSS (post sentence supervision).
- ❑ Whilst on “Licence” they can be “recalled” back to custody if it meets the recall “threshold”. This is usually if it is assessed that the risk can not be managed in the community. A recall has to be agreed by a Senior Probation Officer, Head of Service and the Recall Department at the Ministry of Justice.
- ❑ Where possible practitioners are encouraged to deal with any Breach by imposing additional Conditions/Risk Management before Recall back to Custody.

Probation Reset — all cases on probation are subject to these new management with immediate effect.

- **PSS**
- All Sentence Management contact under PSS will stop (unless exception criteria is met)

Community order/* SSO

All ** RAR appointments and activity days, delivered directly by probation practitioners will cease in the final third (unless exception criteria is met)

Licence

Contact appointments for people on Licence will cease in the final third (unless exception criteria is met)

One contact appointment in the final third for Licence cases only is required

- ❖ (SSO) SUSPENDED SENTENCE ORDER
- ❖ (RAR) REHABILITATION ACTIVITY REQUIREMENT

Probation Reset

A person on probation is still subject to the other elements of the Court Order or Licence when subject to “Reset” until the end of their Sentence.

- ❖ Unpaid Work
- ❖ Programme
- ❖ Licence Conditions

Only the Supervision element is on pause/suspended.

Homeless cases must be given an appointment which is enforceable every 2 months for low/medium risk and monthly for high-risk cases.

Re-Active Risk Management

Whilst there is a requirement to assess changes in situation or new information received in order to determine appropriate next steps, Probation Practitioners are not required to proactively seek information in the final third or during the PSS period. In most cases, being reactive to a new situation or information received, will not require resumption of regular contact with the individual.


Reactive management is the term used to define the expectation of Probation Practitioners during this period to ***act in response to a situation or information received.*** Information may be received from sources internal to Probation.

- UPW
- Accredited Programmes
- Victim Liaison Officers/DASO's

And from partners such as

- Police
- Social Services
- MARAC

Cases exempt from Probation Reset



Cases exempt from Probation Reset

- **Multi Agency Public Protection Arrangements (MAPPA) offenders** – Those individuals subject to Probation supervision, who are managed as MAPPA offenders, regardless of Category or Level (Categories 1-4 and Levels 1-3). Further guidance on frequency of contact in the final third for MAPPA offenders who are assessed as Low or Medium Risk of Serious Harm will be issued in due course.
- **Those who are directly managed by the National Security Division (NSD).**
- **Those offenders who have an active Child Protection flag in place.** (This exemption criteria does not include offenders with an NDelius register for Child Concern nor is the exemption criteria applicable where Children’s Services have assessed a child as being Child in Need).
- **Those assessed as Very High Risk of Serious Harm.**
- **Those subject to an Intensive Supervision Court pilot** (not applicable in EMR).

What can we do?

If you want to know the Probation Officer details or have any other queries please contact: Debbie.birchenough@justice.gov.uk.

As we all know sharing of information between agencies is always key. However, please remember that practitioners may only be able to share certain information with you – unless it is in the MARAC or MAPPA or Adult/Child Safeguarding arena.

If you feel there is a Breach or Risk increasing behaviour this should always be reported to the police.

We do not encourage probation practitioners who manage perpetrators to speak to victims.